

1 CAL J. POTTER, III, ESQ.  
2 Nevada Bar No. 1988  
3 C. J. POTTER, IV, ESQ.  
4 Nevada Bar No. 13225  
5 POTTER LAW OFFICES  
6 1125 Shadow Lane  
7 Las Vegas, Nevada 89102  
8 Tel: (702) 385-1954  
9 Fax: (702) 385-9081

10 JAY A. KENYON, ESQ.  
11 Nevada Bar No. 6376  
12 YAN KENYON  
13 7881 West Charleston Boulevard #165  
14 Las Vegas, Nevada 89117  
15 Tel: (702) 888-0000  
16 Fax: (702) 888-0011  
17 *Attorneys for Plaintiff*

18 **UNITED STATES DISTRICT COURT**  
19 **DISTRICT OF NEVADA**

20 HARVESTER HARRIS,

21 Plaintiff,

22 Case No. 2:15-cv-00337-GMN-PAL

23 vs.

24 CITY OF HENDERSON; a  
25 political subdivision of the State of  
26 Nevada; LAS VEGAS METROPOLITAN  
27 POLICE DEPARTMENT, a political  
28 subdivision of the State of Nevada;  
SHERIFF DOUG GILLESPIE, individually;  
CHIEF PATRICK MOERS, individually;  
DOE OFFICER I, individually; DOE OFFICER II,  
individually; DOE OFFICERS III-X;  
and JOHN DOES I-X, inclusive,

Defendants.

/

**DISCOVERY PLAN / SCHEDULING ORDER**

29 COMES NOW, the Plaintiff, HARVESTER HARRIS, by and through his counsel, CAL J.  
30 POTTER, III, ESQ. and C. J. POTTER, IV, ESQ. of POTTER LAW OFFICES and JAY A.  
31 KENYON, ESQ. of YAN KENYON; Defendants, CITY OF HENDERSON and CHIEF PATRICK  
32 MOERS (hereinafter "Henderson Defendants"), by and through their counsel, NANCY D.  
33

1 SAVAGE, ASSISTANT CITY ATTORNEY of the CITY OF HENDERSON; and Defendants LAS  
2 VEGAS METROPOLITAN POLICE DEPARTMENT and SHERIFF DOUG GILLESPIE  
3 (hereinafter “LVMPD Defendants”), by and through their counsel, LYSSA S. ANDERSON, ESQ.  
4 and RYAN W. DANIELS, ESQ. of KAEMPFER CROWELL RENSHAW GRONAUER &  
5 FIORENTINO, hereby submit this Discovery Plan and Scheduling Order:

6 The Henderson Defendants first appeared on May 4, 2015 by filing a Motion to Dismiss  
7 [ECF 12].

8 The LVMPD Defendants first appeared on May 14, 2015 by filing a Motion to Dismiss [ECF  
9 13].

10 **1. Meeting.** Pursuant to FRCP 26(f) and LR 26-1(a), a meeting was conducted  
11 telephonically on June 17, 2015; C. J. Potter, IV, Esq. attended for Plaintiff, Ryan Daniels,  
12 Esq. attended for LVMPD Defendants, and Nancy Savage, Esq. attended for Henderson  
13 Defendants.

14 **2. Pre-Discovery Disclosures.** Plaintiff and Defendants will submit their initial  
15 disclosures in a timely manner.

16 **3. Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

17 (a) Subject of Discovery. Discovery will be needed on the following subjects:  
18 All claims set forth in Plaintiffs’ Complaint, as well as the defenses relevant to the  
19 action.

20 (b) Discovery Cut-Off Date(s): Discovery will take 182 days, measured from,  
21 Monday, May 4, 2015. All discovery must be commenced in time to be completed  
22 by *Monday, November 2, 2015*.

23 . . .

25 . . .

28 . . .

(c) FRCP 26(a)(2) Disclosures (Experts). Disclosure of experts shall proceed as follows: Plaintiffs and Defendants shall disclose their experts to each other at least sixty (60) days before the discovery cut-off date, by *Thursday, September 3, 2015*. Plaintiffs and Defendants shall disclose their rebuttal experts at least thirty (30) days after the initial date for disclosure of experts by *Monday, October 5, 2015*, which is thirty-two (32) days after initial expert disclosure. Further each party agrees to make their experts available for deposition, and facilitate same, prior to discovery cut-off.

#### **4. Other Items.**

(a) Interim Status Reports. The parties shall file an interim status report no later than *Thursday, September 10, 2015*. The undersigned counsel certify that they have read LR 26-3 and that this date is sixty (60) days before discovery cut-off and not later than sixty (60) days before the discovery cut-off date requested.

(b) Interrogatories and Depositions. The parties agree to the customary total number of interrogatories of 25 per party; the parties may agree to more interrogatories by mutual agreement or application to the Court. The parties also agree to no more than ten (10) depositions by Plaintiffs and no more than ten (10) depositions by Defendants as provided in Rule 30(a)(2)(A)(i). However, the parties may agree to more depositions by mutual agreement or application to Court.

(c) Amending the Pleadings and Adding Parties. The parties have until *Tuesday, August 4, 2015* to file any motions to amend the pleadings or to add parties. This is ninety (90) days prior to the discovery cut-off date.

(d) Settlement. The parties agree to confer prior to expert depositions to discuss settlement options regarding any and all parties, including any new parties.

(e) Court Conference. The parties do not request a conference with the Court before entry of the scheduling order.

• • •

1

(f) Later Appearing Parties. A copy of this discovery plan and scheduling order shall be served on any person served after it is entered, or, if additional defendants should appear, within five (5) days of their first appearance. This discovery plan and scheduling order shall apply to such later-appearing parties, unless the Court, on motion and for good cause shown, orders otherwise.

(g) Dispositive Motions. The parties shall have until *Wednesday, December 2, 2015* to file dispositive motions. This is thirty (30) days after the discovery cut-off date and does not exceed the outside limit of thirty (30) days following the discovery cut-off date that LR 26-1(e)(4) presumptively sets for filing dispositive motions.

(h) Pretrial Order. The pretrial order shall be filed by *Thursday, December 31, 2015*, which is twenty-nine (29) days, after the date set for filing dispositive motions in the case. This date is suspended if the dispositive motions are timely filed. In such a case, the pretrial order shall be filed thirty (30) days after the Court files an Order on any dispositive motions. The disclosures required by FRCP 26(a)(3) shall be made in the joint pretrial order.

(i) Extension of Any Date or Modification of the Discovery Plan and Scheduling Order. LR 26-4 governs modifications or extensions of this discovery plan and scheduling order. Any stipulation or motion to extend a deadline set forth in the discovery plan shall be received by the Court not later than twenty-one (21) days before the subject deadline.

• • •

• • •

• • •

• • •

ACTIVITY	DATE
Amend Pleadings	Tuesday, August 4, 2015
Interim Status Report	Thursday, September 3, 2015
Disclose Experts	Thursday, September 3, 2015
Rebuttal Experts	Monday, October 5, 2015
Discovery Cut-Off Date	Monday, November 2, 2015
Dispositive Motions	Wednesday, December 2, 2015
Pretrial Order	Thursday, December 31, 2015

APPROVED AS TO FORM AND CONTENT.

DATED this 18<sup>th</sup> day of June, 2015.

POTTER LAW OFFICES

By /s/ C. J. Potter, IV, Esq.

CAL J. POTTER, III, ESQ.  
Nevada Bar No. 1988  
C. J. POTTER, IV, ESQ.  
Nevada Bar No. 13225  
1125 Shadow Lane  
Las Vegas, Nevada 89102

JAY A. KENYON, ESQ.

Nevada Bar No. 6376  
YAN KENYON  
7881 West Charleston Boulevard #165  
Las Vegas, Nevada 89117  
Tel: (702) 888-0000  
Fax: (702) 888-0011  
*Attorneys for Plaintiff*

DATED this 18<sup>th</sup> day of June, 2015.

CITY OF HENDERSON

By /s/ Nancy D. Savage, Esq.

JOSH M. REID, City Attorney  
Nevada Bar No. 7497  
NANCY D. SAVAGE, Asst. City Attorney  
Nevada Bar No. 392  
240 Water Street  
Las Vegas, Nevada 89101  
*Attorney for Henderson Defendants*

DATED this 18<sup>th</sup> day of June, 2015.

KAEMPFER CROWELL RENSHAW  
GRONAUER & FIORENTINO

By /s/ Ryan W. Daniels, Esq.

LYSSA S. ANDERSON, ESQ.  
Nevada Bar No. 5781  
RYAN W. DANIELS, ESQ.  
Nevada Bar No. 13094  
8345 West Sunset Road, Suite 250  
Las Vegas, NV 89113  
*Attorneys for LVMPD Defendants*

## ORDER

IT IS SO ORDERED.

June 24, 2015

DATED



UNITED STATES MAGISTRATE JUDGE